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PTO/SB/64 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
D4695-00133

First named inventor: Wolfgang EINBRODT

Application No.: 10/534,304

Art Unit: Not yet assigned

Filed: 11/12/2003 (I.A. filing date)

Examiner: Not yet assigned

Title: MONOLITHICALLY INTEGRATED VERTICAL PIN PHOTODIODE USED IN BICMOS TECHNOLOGY

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee** Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Translated drawings (identify type of reply):

 has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PH2/811492

09/12/2006 HLE333 00000108 041679 10534304  
01 FC:1453 1500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**3. Terminal disclaimer with disclaimer fee**

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Sept 7, 2006

Date

Signature

Telephone  
Number: 215-979-1283

Stephan P. Gribok Reg. No. 29,643

Typed or printed name

Duane Morris LLP 30 South 17th Street

Address

Philadelphia, PA 19103-4196

Address

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Stephan P. Gribok

Type or printed name of person signing certificate

SEP 08 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1500.00)

<b>Complete if Known</b>	
Application Number	10/534,304
Filing Date	November 12, 2003 (I.A.)
First Named Inventor	Wolfqang EINBRODT
Examiner Name	Not yet known
Art Unit	Not yet known
Attorney Docket No.	D4695-00133

**METHOD OF PAYMENT** (check all that apply)
 Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

 Deposit Account Deposit Account Number: 04-1679 Deposit Account Name: Duane Morris LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	<u>Fee (\$)</u>	<u>Small Entity Fee (\$)</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent

Small Entity Fee (\$)

50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Fee (\$)

200 100

Multiple dependent claims

Fee (\$)

360 180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20

Multiple Dependent ClaimsFee (\$)Fee Paid (\$)

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition for Revival of an Application for Patent under 37 CFR 1.137(b)

Fees Paid (\$)

1500.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 29,643	Telephone 215-979-1283
Name (Print/Type)	Stephan P. Gribok		Date September 7, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

SPG

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

DUANE MORRIS, LLP  
IP DEPARTMENT  
30 SOUTH 17TH STREET  
PHILADELPHIA PA 19103-4196

25 JUL 2006

JUL 27 2006

In re Application of: EINBRODT, Wolfgang, et al :  
U.S. Application No.: 10/534,304 :  
PCT No.: PCT/DE2003/003739 :  
International Filing Date: 12 November 2003 :  
Priority Date: 12 November 2002 :  
Attorney's Docket No.: D4695-00133 :  
For: MONOLITHICALLY INTEGRATED  
VERTICAL PIN PHOTODIODE USED  
IN BICMOS TECHNOLOGY :

COMMUNICATION

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 12 November 2003, applicants filed international application PCT/DE2003/003739. The application claimed a priority date of 12 November 2002 and designated the United States. On 27 May 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office ("USPTO"). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 12 May 2005.

On 09 May 2005, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a purported translation into English of the international application.

On 13 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an acceptable translation of the international application into English and the surcharge for filing such translation later than thirty months after the priority date were required. The Notification indicated that the previously filed translation was defective because: "The text in the drawings has not been properly translated."

On 15 December 2005, applicants filed a response to the Notification Of Missing Requirements that included payment of the required processing fee. The submission was not, however, accompanied by translated drawings.

On 23 January 2006, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that applicants' 13 November 2005 response was defective for failure to include the required translated drawings.

On 27 February 2006, applicants filed a response to the Notification Of Defective Response that included a revised copy of the drawings, considered herein.

### DISCUSSION

MPEP § 1893.01(d) states the following regarding translated drawings in a U.S. national stage application: "A translation of words contained in the drawings must be furnished either in the form of new drawings or in a form of a copy of the original drawings with the translation pasted on the original text matter. See PCT Rule 49.5(d)."

The replacement drawings submitted by applicants on 27 February 2006 included a revised version of "Table 1" in which the German language text was properly replaced by English text. However, revised "Figure 1" did not include a new drawing with the German text replaced with English text or "a copy of the original drawings with the translation pasted on the original text matter." Rather, applicants provided a copy of original drawing with a translation key for the German language text added at the bottom of the figure. The revised "Figure 1" is therefore not in the format required by MPEP § 1893.01(d) and PCT Rule 49.5(d) and, as such, is not considered a proper translation of this drawing.

Based on the above, applicants have failed to file a proper translation into English of the international application (specifically, "Figure 1" of the application) as required in the Notification Of Missing Requirements mailed 13 November 2005 and the Notification Of Defective Response mailed 23 January 2006. The time period for responding to such Notifications has now expired. The application is therefore abandoned.

### CONCLUSION

The present application is **ABANDONED** for failure to file a timely and complete response to the Notification Of Missing Requirements mailed 13 November 2005 and the Notification Of Defective Response mailed 23 January 2006.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this Communication, including the mailing of a Notification Of Abandonment (Form PCT/DO/EO/909).



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